

Message Text

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PAGE 01 STATE 069736
ORIGIN EPA-04

INFO OCT-01 EUR-12 ISO-00 OES-06 /023 R

66011

DRAFTED BY: EPA/A106/IFULLER
APPROVED BY: OES/ENP:EN:DKING
EPA/A106/KHARPER
OES/ENP:EN:GKINTER

-----111927Z 126118 /40

R 111500Z MAR 77
FM SECSTATE WASHDC
INFO AMEMBASSY COPENHAGEN 0000

UNCLAS STATE 269736

E.O. 11652: NA

TAGS: SENV

SUBJECT: U.S. TOXIC SUBSTANCES CONTROL ACT

"FOLLOWING IS A REPEAT
QUOTE STATE 269736
R 022009Z NOV 76
FM SECSTATE WASHDC
TO COPENHAGEN

SUMMARY

THE U.S. HAS RECENTLY ENACTED MAJOR NEW ENVIRONMENTAL
LEGISLATION REQUIRING THE TESTING OF SELECTED NEW AND
EXISTING CHEMICAL SUBSTANCES WHICH THE ADMINISTRATOR OF
EPA DETERMINES MIGHT PRESENT AN UNREASONABLE RISK OF HARM
TO HEALTH OR THE ENVIRONMENT. NOTIFICATION NINETY DAYS
PRIOR TO COMMERCIAL PRODUCTION OF A NEW CHEMICAL IS
REQUIRED. CHEMICAL SUBSTANCES BEING IMPORTED INTO THE
U.S. ARE SUBJECT TO THE ACT. U.S. MANUFACTURED CHEMICALS
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INTENDED SOLELY FOR EXPORT ARE GENERALLY NOT REGULATED
BY THE ACT BUT WHEN TESTING IS REQUIRED EPA MUST FURNISH
THE RECIPIENT GOVERNMENT NOTICE OF THE AVAILABILITY OF

TEST DATA AND ANY RESTRICTIVE ACTIONS TAKEN BY EPA.
MANUFACTURE OF POLYCHLORINATED BIPHENYLS (P.C.B.) IS
TOTALLY PROHIBITED AFTER JANUARY 1, 1979 PRECEDED BY

RESTRICTIONS ON USE. END SUMMARY.

1. THE UNITED STATES RECENTLY ENACTED THE TOXIC SUBSTANCES CONTROL ACT, POSSIBLY ONE OF THE MOST IMPORTANT PIECES OF ENVIRONMENTAL LEGISLATION IN OUR HISTORY. WE NOW JOIN SEVERAL MEMBERS OF THE WORLD COMMUNITY WHO ALREADY HAVE ENACTED SIMILAR LEGISLATION. THE NEW LAW PROVIDES NEEDED AUTHORITY TO PROTECT HUMAN HEALTH AND THE ENVIRONMENT FROM POTENTIALLY DANGEROUS CHEMICALS BY AUTHORIZING THE ADMINISTRATOR OF EPA TO REQUIRE THE TESTING OF NEW AND EXISTING CHEMICAL SUBSTANCES. THE COST FOR SUCH TESTING WILL BE BORNE BY THE MANUFACTURERS. CHEMICAL SUBSTANCES ALREADY CONTROLLED UNDER EXISTING LEGISLATION (PESTICIDES, TOBACCO, FOOD, FOOD ADDITIVES, DRUGS, COSMETICS, NUCLEAR MATERIALS, FIREARMS AND AMMUNITION) ARE NOT INCLUDED IN THE NEW ACT.

2. PRIORITY CHEMICALS

BY SEPTEMBER 1, 1977 A COMMITTEE OF DESIGNATED FEDERAL AGENCIES WILL SELECT CHEMICAL SUBSTANCES FOR PRIORITY RULE MAKING CONSIDERATION BY EPA. IN LISTING THE SUBSTANCES, THE COMMITTEE WILL GIVE PRIORITY CONSIDERATION TO CHEMICALS KNOWN OR SUSPECTED TO CAUSE CANCER, GENE MUTATIONS OR BIRTH DEFECTS.

3. EXISTING CHEMICALS

BY NOVEMBER 15, 1977 THE ADMINISTRATOR MUST PUBLISH AN INVENTORY OF EXISTING CHEMICALS. ANY SUBSTANCE NOT ON THE INVENTORY WILL BE CONSIDERED A NEW CHEMICAL SUBSTANCE FOR UNCLASSIFIED

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WHICH MANUFACTURERS MUST GIVE NINETY DAY NOTICE OF INTENT TO MANUFACTURE. THIS PROCEDURE GIVES THE ADMINISTRATOR THE OPPORTUNITY TO EVALUATE THE HAZARD-CAUSING POTENTIAL OF THE NEW CHEMICAL SUBSTANCE OR SIGNIFICANT NEW USE OF AN EXISTING CHEMICAL BEFORE IT IS INTRODUCED INTO COMMERCE.

4. DATA COLLECTION

THE ACT ALSO PROVIDES FOR THE COLLECTION OF INFORMATION ON ALL CHEMICALS SO THAT THEIR EFFECTS ON HEALTH AND THE ENVIRONMENT CAN BE DETERMINED AND EVALUATED.

5. POLYCHLORINATED BIPHENYLS (PCBS)

PCBS ARE THE ONLY CHEMICAL SUBSTANCES SPECIFICALLY ADDRESSED IN THE ACT. USE, DISTRIBUTION, MANUFACTURE AND PROCESSING OF PCBS ARE PROHIBITED AFTER JANUARY 1, 1978 EXCEPT FOR ENCLOSED USES OR USES APPROVED BY THE ADMINISTRATOR. MANUFACTURE IS TOTALLY PROHIBITED AFTER JANUARY 1,

1979. SINCE "MANUFACTURE" IS DEFINED TO INCLUDE IMPORTA-

TION INTO THE U.S. IMPORTS WOULD BE PROHIBITED AFTER JANUARY 1, 1979. DISTRIBUTION IS PROHIBITED AFTER JULY 1, 1979 EXCEPT FOR PCBS BEING RECYCLED FOR USE IN A MANNER THAT IS NOT PROHIBITED BY THE ACT.

6. EXPORTS

SUBJECT TO CERTAIN EXCEPTIONS, THE ACT DOES NOT APPLY TO A CHEMICAL SUBSTANCE MANUFACTURED, PROCESSED, OR DISTRIBUTED IN COMMERCE FOR EXPORT PROVIDED IT IS SO LABELLED. AN EXCEPTION TO THIS EXEMPTION OF EXPORTS OCCURS IF THE ADMINISTRATOR OF EPA FINDS THAT THE SUBSTANCE TO BE EXPORTED WILL PRESENT AN UNREASONABLE RISK TO HEALTH WITHIN THE UNITED STATES OR THE ENVIRONMENT OF THE UNITED STATES.

7. NOTIFICATION TO FOREIGN GOVERNMENTS

PROVISION IS MADE FOR THE ADMINISTRATOR TO NOTIFY THE UNCLASSIFIED

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GOVERNMENT OF THE COUNTRY RECEIVING THE EXPORT OF THE AVAILABILITY OF THE DATA SUBMITTED AND ANY ACTION TAKEN BY THE ADMINISTRATOR. THIS WILL ALERT THE FOREIGN GOVERNMENTS TO ANY POTENTIAL RISK POSED BY THE SUBSTANCE AND GIVE IT THE OPPORTUNITY TO REGULATE THE USE, DISTRIBUTION AND DISPOSAL OF THE SUBSTANCE.

8. IMPORTS

UNLIKE EXPORTS, CHEMICAL SUBSTANCES BEING IMPORTED INTO THE UNITED STATES ARE SUBJECT TO THE ACT. ANY SUBSTANCE FAILING TO CONFORM WITH ANY RULE IN EFFECT UNDER THE ACT OR VIOLATIVE OF PREMARKET NOTIFICATION REQUIREMENTS OR ANY REGULATORY ACTIONS TAKEN UNDER THE ACT WILL BE DENIED ENTRY INTO THE UNITED STATES. IF A CHEMICAL SUBSTANCE IS DENIED ENTRY, THE CONSIGNEE WILL BE GIVEN NOTICE OF THE REFUSAL AND NINETY DAYS TO EXPORT THE SUBSTANCE.

PROVISIONS OF THE ACT APPLYING TO IMPORTS WOULD INCLUDE THOSE RELATING TO: (A) TESTING OF CHEMICAL SUBSTANCES FOR HEALTH AND ENVIRONMENTAL EFFECTS, (B) NOTIFYING THE ADMINISTRATOR NINETY DAYS PRIOR TO MANUFACTURE (DEFINED IN THIS CASE AS THE ACT OF IMPORTATION INTO THE CUSTOMS TERRITORY OF THE U.S.), (C) VARIOUS POSSIBLE RESTRICTIONS WHICH MIGHT BE IMPOSED SUCH AS COMPLETE PROHIBITIONS, PROHIBITIONS OF A PARTICULAR USE, LIMITATION OF AMOUNT IMPORTED, LABELING AND RESTRICTIONS ON DISPOSAL, (D) SEIZURE OF THE CHEMICAL WHERE AN IMMINENT HAZARD EXISTS, (E) SUBMISSION OF REPORTS TO THE ADMINISTRATOR AND RETENTION OF RECORDS. REPORTS MAY REQUIRE THE FOLLOWING INFORMATION: (A) MOLECULAR STRUCTURE FOR EACH CHEMICAL

SUBSTANCE, (B) CATEGORIES OF USE, (C) TOTAL AMOUNT TO
ENTER THE U.S., (D) BY-PRODUCTS FROM MANUFACTURE, USE,
OR DISPOSAL, (E) ENVIRONMENTAL AND HEALTH EFFECTS, (F)
EXTENT OF HUMAN EXPOSURE (G) METHOD OF DISPOSAL. RECORDS
OF ADVERSE REACTIONS TO HEALTH OR THE ENVIRONMENT WHICH
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THE SUBSTANCE HAS ALLEGEDLY CAUSED FOR A PERIOD OF UP TO
THIRTY YEARS SHALL BE RETAINED.

9. COPIES OF THE ACT AND OTHER PERTINENT INFORMATION WILL
BE POUCHED. KISSINGER UNQTE VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, POISONS
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: EPA/A106/IFULLER
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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From: STATE
Handling Restrictions: n/a
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Legacy Key: link1977/newtext/t19770367/aaaacgyk.tel
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Litigation History: Hold (001 Tobacco) added on 4/16/2009 3:39:09 PM by WASHDCMcGoldRJ, Hold (001 Tobacco) removed on 4/16/2009 3:45:07 PM by WASHDCMcGoldRJ (Litigation Hold Lifted)
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Message ID: a4a124b9-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EPA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
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Review Exemptions: n/a
Review Media Identifier:
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Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3129837
Secure: OPEN
Status: NATIVE
Subject: U.S. TOXIC SUBSTANCES CONTROL ACT \"FOLLOWING IS A REPEAT QUOTE STATE 269736
TAGS: SENV, US
To: COPENHAGEN
Type: TE
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Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009